

Amendment No. 3 to SB1748

**Jackson
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1748*

House Bill No. 1285

by inserting the following as a new, appropriately designated subsection to precede Section 1, subsection (c) of the bill and by redesignating subsection (c) accordingly:

() Notwithstanding anything in this section to the contrary, a restriction on an employed health care provider's right to practice his or her profession upon termination or conclusion of the employment relationship that unreasonably impedes the public interest in the availability of health care shall not be enforceable against the health care provider as a violation of public policy. In determining whether a restriction unreasonably impedes the public interest in the availability of health care, a court shall consider:

(1) The availability of health care providers trained in the specialty of the employed health care provider within the geographic area of such restriction;

(2) The availability of health care providers in general within the geographic area of such restriction;

(3) The extent to which the restriction impedes the ability of patients to choose the health care provider of their choice;

(4) The extent to which the restriction disrupts the continuity of care provided to the health care provider's patients;

(5) Whether the restriction is narrowly drawn to protect the reasonable business interests of the health care provider's employer and the extent to which the restriction, in application, in fact protects such business interests; and

(6) The extent to which the health care provider's employer contributed to the dissolution of the employer-employee relationship.